

Eastern District of Michigan
Southern Division

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United States

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Jack Carpenter III

FILED
FEB 14 2024CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGAN

Case No: 23-20152

Honorable Mark A. Goldsmith

Notice of Appeal

The attorney assigned to my case sent a letter in August 2023 stating a conflict of interest in being counsel. I told him to remove himself, instead he interfered with my other appeal and delayed it. This exchange is on record with the District court and despite trying to have him removed since June 6th when he caused a due process issue in my case, prompting the first appeal that is still not resolved, he is still assigned to my case. He has been forbidden to file anything in my case that I do not read and approve, yet he keeps doing so. He is expressly forbidden from filing any delays to this appeal or a brief claiming he is speaking for me.

I wish to appeal the last 3 pro se motions challenging jurisdiction of the Court. I request that the Clerk of the District Court forward a copy of these motions as well as the oral transcripts for the hearing on June 6th where the District Court noted a challenge to jurisdiction existed, then proceeded without requiring jurisdiction be proven. The following facts are relevant to this appeal:

1. Federal Courts are courts of limited jurisdiction and must presume jurisdiction is lacking until it is proven to exist by positive evidence entered by the prosecution.
2. It is the Courts duty at all times to look into jurisdiction, and jurisdiction can be challenged at any time during the proceedings.

3. The burden of proof is on the prosecution to prove jurisdiction exists, not on the defense to prove a negative, that it does not exist. That is the default.
4. Federal Courts cannot interpret a State Constitution nor identify the boundaries of a right that a State Constitution provides. That is the sole jurisdiction of the State. This does not interfere with the Federal Court's role in determining if a State action makes a state entity liable for the violation of a Federally protected right.
5. The existence of a nation is not a question of International law, the de facto existence is not dependent upon the will of or laws of any other nation or nations.
6. Recognition of a nation is a political question regarding the acknowledgement of the right to rule a geographic area. This is distinct from existence. A nation can rule an area of land by fact or by law, de facto or de jure. Recognized by a family of nations or not recognized. But existence of a nation is by way of self determination, no one but itself has the power to determine its right to exist.
7. Recognition of the power to rule an area of land is a political question that belongs to the executive. Existence is a fact the court must accept regardless of recognition by the executive.
8. Recognition is irrevocable and absolute, and can be implicit when the executive branch assumes a fact regarding the sovereignty over an area of land. An implicit recognition is binding and conclusive on the judicial department.
9. The most comprehensive right of a State is the right to exist. This includes the general rights to Independence, equality, jurisdiction, property and intercourse. These

rights are fundamental and absolute.

10. Independence from the point of view of International law is freedom from external control. There can be no limitation or restriction of Independence. Independence must be absolute and inalienable.

11. Sovereigns of foreign states represent the nation and cannot be subjected to the jurisdiction of another state without waiving sovereignty, and in so far depriving the nation of one of its essential, absolute, and inalienable qualities. The Head of State is immune from civil and criminal jurisdiction of any other state. The principle that a Sovereign is free from suit has frequently been decided by the courts of various countries, as well as the United States. A Sovereign may travel incognito, and is entitled only to the rank he assumes and the recognition that is afforded to that rank, but may at any time assert his Sovereign capacity and obtain its immunities.

12. Cases involving a Foreign Sovereign fall under original jurisdiction of the US Supreme Court.

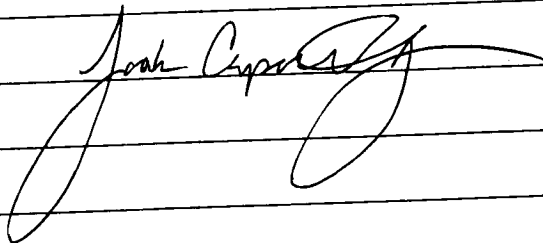
13. I wish to proceed with this case in my own person, in my sovereign capacity, without representation, and ask the court to interact with me directly.

14. The US Attorney has filed facts in this case that show the formation of a nation which I am the Sovereign of, they are trying to convince the court that it is the arbiter of the existence of this state.

It is my argument that the Court has been ~~exercizing~~ exercising jurisdiction after June 6th, 2023 when it recognized a challenge to jurisdiction then

proceeded to issue rulings without requiring the prosecution to overcome the default presumption that the court lacks jurisdiction. That the existence of the nation I formed is a fact the court must accept, and is not in its power to determine otherwise. As the Head of this nation I am immune from suit in your courts. That my nation not only exists, but was recognized by the actions of the US State Department in November of 2022 which is binding on this court. That the District Court cannot establish jurisdiction under any legal theory, and if jurisdiction did exist, this is a case for the US Supreme Court, not the District Court. I request this case be dismissed for want of jurisdiction and my property returned. Thank you.

I certify these statements to be true and that this notice is four pages in length.

A handwritten signature in black ink, appearing to read "Josh Cypres", with a large, stylized flourish extending from the bottom left.

Joak Carpenter
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Midland, MI
48642

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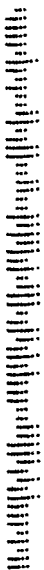


Clerk of the Court of
Honorable Mark A. Goldsmith
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The writer of this letter
is an inmate in the
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Legal mail

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